

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBINETTE M. CAIN,)	
)	CASE NO. 4:11Cv0042
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	<u>MEMORANDUM OF OPINION</u>
Defendant.)	<u>AND ORDER</u>

The Social Security Administration denied claimant's application for a period of disability and disability insurance benefits in the above-captioned case. The claimant sought judicial review of the Commissioner's decision, and this Court referred the case to Magistrate Judge Greg White for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). The Magistrate Judge submitted a Report and Recommendation ([ECF No. 21](#)) recommending that the Court vacate the Commissioner's decision and remand the case pursuant to sentence four of [42 U.S.C. § 405\(g\)](#).¹

¹ Sentence four of section 205(g) of the Social Security Act, [42 U.S.C. § 405\(g\)](#), states:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

(4:11Cv0042)

Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within 14 days after service. On January 31, 2012, the Commissioner filed a Response to the Report and Recommendation (ECF No. 22), which states that the Commissioner will not be filing objections. Furthermore, Plaintiff has not filed any objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the report and recommendation of the Magistrate Judge is hereby adopted. The Court will vacate the decision of the Commissioner of Social Security and remand this case to the Commissioner for rehearing and a new decision.

IT IS SO ORDERED.

February 6, 2011
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge